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# FEDERAL REGISTER

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Washington, Wednesday, March 18, 1936

## TREASURY DEPARTMENT.

Treasurer of the United States; Director of the Mint.

### ISSUE, EXCHANGE, AND REDEMPTION OF PAPER CURRENCY AND COIN

MARCH 13, 1936.

Paragraph 17 of Treasury Department Circular No. 55, revised, dated January 26, 1927, amended on September 26, 1933, is hereby further amended to read as follows:

17. *Mutilated coins.*—Except as hereinafter provided mutilated coins are not accepted at their face value but at their bullion value. Silver coins are mutilated when so punched, clipped, chipped, or otherwise mutilated, as to be appreciably reduced in weight, or when so defaced as to be not readily and clearly identified as to genuineness and denomination. Minor coins are mutilated when so defaced as not to be readily identified, or when so punched or clipped or otherwise mutilated as to show a material loss of metal. Silver coins and minor coins which have merely been so altered as to render them available for use as coins of another denomination will be received at face value, except that such minor coins must first be certified to by a coinage mint as being otherwise eligible for receipt at such value. A charge of 40 cents per thousand pieces or coins shall be made for such pieces or coins received by such mint for certification, with a minimum charge of \$1.00 for each such deposit received by it. The payments so received shall be covered into the Treasury as a miscellaneous receipt. Such coins as are not certified by such mint to be eligible for receipt at their face value, shall be accepted by such mint at their bullion value or returned to the depositor at his expense. Silver or minor coins that are bent or twisted out of shape, but showing no appreciable or material loss of metal, respectively, are not regarded as mutilated, and will be received at face value. Gold coins are accepted only as provided in the acts, orders, regulations and instructions relating to gold. The fraudulent defacement or mutilation of United States coins is a criminal offense under section 165 of the Penal Code of the United States, and a fine of not more than \$2,000 and imprisonment for not more than five years are prescribed for such an offense. Mutilated coins should not be transmitted to the Federal reserve banks or branches or to the Treasurer of the United States, but should be forwarded to the mints, or as otherwise hereinabove provided, for sale as bullion.

[SEAL]

MARION BANISTER,

Assistant Treasurer of the United States.

NELLIE TAYLOR ROSS,

Director of the Mint.

Approved March 13, 1936,

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[Filed, March 17, 1936; 12:49 p. m.]

## Office of Commissioner of Internal Revenue.

[T. D. 4631]

### MARKING PACKAGES OF DISTILLED SPIRITS, OTHER THAN ALCOHOL—AMENDMENT OF GAUGING MANUAL

*To district supervisors and others concerned:*

Effective April 1, 1936, Paragraph 71 of the Gauging Manual, as amended by Treasury Decision 26 (Bureau of Industrial Alcohol), is hereby amended to read as follows:

PAR. 71. (a) The kind (class and type) of the spirits will be branded on the package according to the standards of identity for distilled spirits fixed by the Federal Alcohol Administration.

(b) The distiller will mark on the head of each package of whiskey the proof at which the spirits were distilled. This will be done by stencilling, cutting, or burning the words "Distilled not over 160 Proof" or "Distilled over 160 Proof", as the case may be, in letters not less than 1/2 inch in height. Such marking may be suitably abbreviated, as "D not over 160 P" and "D over 160 P." The proof of the spirits in the cistern room, prior to reduction, will be taken as the proof at which the spirits were distilled.

(c) When packages of whiskey, filled on and after April 1, 1936, or filled prior thereto and not marked "Straight" at the time of filling, meet the requirements of the classification "Straight Whiskey" at the time of withdrawal, the distiller will cut or stencil the word "Straight" on the package immediately before the designation "Whiskey", "Rye Whiskey", etc.

(d) Where packages of whiskey, filled prior to April 1, 1936, were marked "Straight" at the time of filling and meet the requirements of the classification "Straight Whiskey" at the time of withdrawal, the designation "Straight" may remain on the package, but where the spirits are not entitled to such designation at the time of withdrawal, the distiller will scrape off the word "Straight" prior to shipment of the packages.

[SEAL]

GUY T. HELVERING,

Commissioner of Internal Revenue.

Approved March 13, 1936.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[Filed, March 17, 1936; 12:49 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Entomology and Plant Quarantine.

#### NOTICE OF QUARANTINE No. 48 (ELEVENTH REVISION)

[Approved March 7, 1936; effective March 16, 1936]

#### JAPANESE BEETLE QUARANTINE

I. R. G. Tugwell, Acting Secretary of Agriculture, have determined that it is necessary to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle (*Popillia japonica* Newm.), a dangerous insect new to and not





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## TABLE OF CONTENTS

|  | Page |
|--|------|
| Department of Agriculture:   |      |
| Bureau of Entomology and Plant Quarantine:   |      |
| Japanese Beetle Quarantine, Notice of Quarantine No. 48  | 31   |
| Regulations supplemental to Notice of Quarantine No. 48  | 32   |
| Department of Interior:  |      |
| Regulations for the sale of lots in the town of Tulake within the Klamath Irrigation Project, California   | 36   |
| Farm Credit Administration:  |      |
| Regulation relative to emergency crop and feed loans in the continental United States made pursuant to the Emergency Relief Appropriation Act of 1935 and Executive Order No. 7305 | 37   |
| Securities and Exchange Commission:  |      |
| Order authorizing hearing in the matter of the declaration of the New England Power Association and designating officer to conduct proceedings                                     | 38   |
| Treasury Department:   |      |
| Office of Commissioner of Internal Revenue:  |      |
| Amendment of paragraph 71 of Gaging Manual concerning the marking of packages of distilled spirits other than alcohol  | 31   |
| Treasurer of the United States:  |      |
| Regulation governing the issue, exchange, and redemption of mutilated coins  | 31   |
| Works Progress Administration:   |      |
| Notice concerning contributions to any political party by employees of the Works Progress Administration   | 38   |

heretofore widely prevalent or distributed within and throughout the United States.

Now, therefore, under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine the said States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, effective on and after March 16, 1936. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the

restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infestation.

Done at the city of Washington this 7th day of March 1936. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

R. G. TUGWELL,  
Acting Secretary of Agriculture.

## RULES AND REGULATIONS (FOURTEENTH REVISION) SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 48

[Approved March 7, 1936; effective March 16, 1936]

### Regulation 1. Definitions

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle*.—The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.  
(b) The terms "infested", "infestation", and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area*.—Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area*.—Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to Notice of Quarantine No. 48, as revised.

(e) *Fruits and vegetables*.—For the list of restricted fruits and vegetables see regulation 5.

(f) *Nursery and ornamental stock*.—Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure*.—Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost, and manure*.—Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse*.—A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in regulation 6. This term may apply also to potting beds, heeling-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector*.—An inspector of the United States Department of Agriculture.

(k) *Moved or allowed to be moved interstate*.—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

### Regulation 2. Limitation of Restrictions to Regulated Areas

Conditioned upon the compliance on the part of the State concerned with the provisos to Notice of Quarantine No. 48 (eleventh revision), the restrictions provided in these regula-



tions on the interstate movement of plants and plant products and other articles enumerated in said notice of quarantine will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.

#### Regulation 3. Regulated Areas

In accordance with the provisos to Notice of Quarantine No. 48 (eleventh revision), the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut.*—The entire State.

*Delaware.*—The entire State.

*District of Columbia.*—The entire District.

*Maine.*—County of York; towns of Auburn and Lewiston, in *Androscoggin County*; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County*; and the city of Waterville, in *Kennebec County*.

*Maryland.*—Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31, and 32, in *Allegany County*; the city of Annapolis and election district no. 5, in *Anne Arundel County*; election districts nos. 1, 2, 3, 9, 11, 12, 13, 14, and 15, in *Baltimore County*; all of *Caroline County* except election districts of Hillsboro (no. 6), American Corners (no. 3), and Preston (no. 4); the city of Westminster, and election district of Freedom (no. 5), in *Carroll County*; election districts of White Plains and La Plata, in *Charles County*; election district of Cambridge (no. 7), in *Dorchester County*; election districts of Petersville (no. 12), and Brunswick (no. 25), in *Frederick County*; County of *Harford*, except election district of Marshall (no. 4); election districts of Elkridge (no. 1), Ellicott City (no. 2), and election district of West Friendship (no. 3), in *Howard County*; and the right of way of United States Highway No. 1 through the election district of Guilford (no. 6) in said county; all of *Prince Georges County* except the election districts of Nottingham and Aquasco; that part of Montgomery County located within the established boundaries of the so-called Washington Suburban Sanitary District; towns of Easton and Oxford, in *Talbot County*; election districts of Sharpsburg (no. 1), Williamsport (no. 2), Hagerstown (nos. 3, 17, 21, 22, 24, and 25), Leitersburg (no. 9), Sandy Hook (no. 11), and Halfway (no. 26), in *Washington County*; election districts of Pittsburg (no. 4), Parsons (no. 5), Dennis (no. 6), Trappe (no. 7), Nutters (no. 8), Salisbury (no. 9), Delmar (no. 11), Camden (no. 13), Willards (no. 14), and Fruitland (no. 16), in *Wicomico County*.

*Massachusetts.*—The entire State.

*New Hampshire.*—Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in *Carroll County*; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County*.

*New Jersey.*—The entire State.

*New York.*—Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schoharie, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House, and Salamanca, and the city of Salamanca, in *Cattaraugus County*; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuylers, Stark, Warren, and Winfield, and the city of Little Falls,

in *Herkimer County*; towns of Caton, Corning, and Hornby, and the city of Corning, in *Steuben County*; towns of Caroline, Danby, Dryden, and Ithaca, and the City of Ithaca, in *Tompkins County*; towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County*.

*Pennsylvania.*—The entire State, except Crawford, Erie, Forest, Mercer, Venango, and Warren Counties, Mercer Township in *Butler County*, and Ashland, Beaver, Elk, Richland (including boroughs of Foxburg and St. Petersburg), Salem, and Washington Townships, in *Clarion County*.

*Rhode Island.*—The entire State.

*Vermont.*—Counties of Bennington, Rutland, Windham, and Windsor.

*Virginia.*—Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, and Stafford; magisterial district of Manchester, in *Chesterfield County*; magisterial district of Sleepy Hole, in *Nansemond County*; Camp Stuart, in *Warwick County*; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, and Suffolk.

*West Virginia.*—Town of Keyser, and district of Frankfort, in *Mineral County*.

#### Regulation 4. Extension or Reduction of Regulated Areas

The regulated areas designated in regulation 3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.

#### Regulation 5. Restrictions on the Movement of Fruits and Vegetables

##### Section A. Control of movement

(1) Unless a certificate or permit shall have been issued therefor, by an inspector, except as provided in paragraphs (a) to (e), inclusive, of this section:

(i) No green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries shall be moved or allowed to be moved interstate from any regulated area to or through any point outside thereof; and (ii) no fruits and vegetables of any kind shall be moved or allowed to be moved interstate via refrigerator car or motor truck from the District, counties, or city listed below to or through any point outside of the regulated areas:

*Delaware.*—The entire State.

*District of Columbia.*—The entire District.

*Maryland.*—County of Cecil, and the city of Baltimore.

*New Jersey.*—Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union.

*Pennsylvania.*—Counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia.

*Virginia.*—County of Arlington.

(a) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive.

(b) No certificate will be required for the interstate movement of fruits and vegetables on a through bill of lading either from an area not under regulation through a regulated area to another nonregulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required for interstate movement to Richmond, Va., or to the other regulated parts of Henrico County, Va., or to Waterville, Maine. No restrictions are placed on the interstate movement of fruits and vegetables from the city of Richmond, Va., or from other parts of Henrico County, Va., or from Waterville, Maine, to points outside the regulated areas.



(c) No restrictions are placed on the interstate movement of fruits or vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(d) No restrictions are placed on the interstate movement of any shipments of apples or peaches of less than 15 pounds to the shipment, or of bananas other than in entire bunches or in clusters of 25 or more.

(e) No restrictions are placed on the interstate movement of commercially packed apples in any quantity, except those moving via refrigerator cars or motor vehicles from the District, counties, or city listed in this section.

(2) No restrictions are placed on the interstate shipment from the regulated areas of fruits and vegetables other than those mentioned above, except that any such interstate shipments of fruits and vegetables may be inspected by inspectors at any time or place inside or outside the regulated areas and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

#### Section B. Conditions of certification

Certificates may be issued for the interstate movement of fruits and vegetables to points outside the regulated areas between June 15 and October 15, inclusive, under one of the following conditions:

(1) When the fruits and vegetables, moving from a point in the regulated area other than the District, counties, or city listed in paragraph 1, (ii), of this regulation, or moving from such designated District, counties or city other than by refrigerator car, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the supervision of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside of the regulated areas and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for the safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the regulated areas, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables, other than onions and potatoes, moving via refrigerator car from the District, counties, or city listed in paragraph 1 (ii) of this regulation have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between cleaning and loading, such refrigerator car must be tightly closed and sealed.

(6) When the onions or potatoes moving via refrigerator car from the District, counties, or city listed in this regulation have been fumigated in the car, when deemed neces-

sary in the judgment of the inspector, and when the doors and hatches of the car have been tightly closed or adequately screened, under the supervision of an inspector.

#### Regulation 6. Restrictions on the Movement of Nursery and Ornamental Stock

##### Section A. Control of movement

Nursery and ornamental stock shall not be moved or allowed to be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil, are exempt from the requirement of certification, except that this exemption does not apply to dahlia tubers.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement between October 16 and June 14, inclusive, of cut flowers, and of portions of plants without roots and free from soil (such as branches and twigs of trees and shrubs, scions, Christmas trees, holly, laurel, sphagnum moss, and parts of submerged aquatic plants without roots).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

##### Section B. Conditions governing the issuance of certificates and permits

For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) *Class I.*—Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as class I. Upon compliance with the requirements of subsection (6) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(2) *Class III.*—(a) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III. Such classification also may be given to nurseries, etc., in localities known to be generally infested where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties, under single ownership and management, but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by recent and scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(b) Upon compliance with subsections (3) and (6) of this section, nursery and ornamental stock may be certified by



the inspector for shipment from such premises under any one of the following conditions: (i) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (ii) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing, or (iii) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots;

(a) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(b) Prior to introduction into nurseries or greenhouses, sand, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such treated sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(c) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (i) shall be potted in certified soil; (ii) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (iii) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (iv) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers and other parts of plants without roots or soil may be certified for movement either (a) when they have been inspected by an inspector and found free from infestation, or (b) when they have been grown in a greenhouse of class I or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also section A (3) of this regulation.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (a) That the soil shall be entirely removed from the stock, or (b) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (c) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain their classified status, (a) shall restrict their purchases or receipts of nursery and ornamental stock, sand, soil, earth, peat, compost, and manure within the regulated area to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the articles when moved; (b) shall obtain approval of the inspector before such articles are received on their premises or moved from the open on their own premises into certified greenhouses; and (c) shall also report immediately in writing all purchases or receipts of such articles secured from within the regulated area. Nurserymen, florists, dealers, and others whose premises are classified as class

III shall, in addition, report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this regulation, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(8) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route, and, when found advisable by the inspector, after reinspection and determination of freedom from infestation.

#### Regulation 7. Restrictions on the Movement of Sand, Soil, Earth, Peat, Compost, and Manure

##### Section A. Control of movement

Sand, soil, earth, peat, compost, and manure shall not be moved or allowed to be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of sand for construction purposes, nor of "bird gravel", "bird sand", or ground, dried imported peat in packages of 5 pounds or less to the package.

(2) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(3) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

##### Section B. Conditions of certification

Certificates for the movement of sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (a) is to be moved between October 16 and June 14, inclusive, or (b) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (c) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all sand, soil, earth, peat, compost, and ma-



nure, except such as is loaded and shipped in compliance with paragraphs (1), (2), or (3) hereof.

#### Regulation 8. Conditions Governing the Protection of Restricted Articles From Infestation While in Transit

Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection and all such seals shall remain intact as long as the vehicle is en route within the regulated area.

#### Regulation 9. Marking and Certification a Condition of Interstate Transportation

(a) Every car, vehicle, box, basket, or other container of the articles listed, the interstate movement of which is restricted in regulations 5, 6, and 7, shall be plainly marked with the name and address of the consignor and the name and address of the consignee and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.

#### Regulation 10. General Conditions Governing Inspection and Issuance of Certificates and Permits

(a) Persons intending to move or allow to be moved interstate any of the articles the movement of which is restricted in regulations 5, 6, and 7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area.

#### Regulation 11. Cancellation of Certificates

Certificates issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.

#### Regulation 12. Inspection in Transit

Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infested articles or articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by an inspector at any time or place.

#### Regulation 13. Thorough Cleaning Required of Trucks, Wagons, Cars, Boats, and Other Vehicles and Containers Before Moving Interstate

Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by these regulations within the regulated areas shall not thereafter be moved or allowed to be moved interstate until they have been thoroughly swept and cleaned by the carrier at the point of unloading or destination.

#### Regulation 14. Shipments by the United States Department of Agriculture

Articles subject to restriction in these regulations may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

These revised rules and regulations shall be effective on and after March 16, 1936, and shall supersede the rules and regulations promulgated May 29, 1935.

Done at the city of Washington this 7th day of March 1936.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

R. G. TUGWELL,  
Acting Secretary of Agriculture.

#### APPENDIX

##### Penalties

The Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds \* \* \* or any other article \* \* \* specified in the notice of quarantine \* \* \* in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine not exceeding \$500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

[Filed, March 16, 1936; 1:57 p. m.]

#### DEPARTMENT OF THE INTERIOR.

##### REGULATIONS FOR THE SALE OF LOTS IN THE TOWN OF TULELAKE WITHIN THE KLAMATH IRRIGATION PROJECT, CALIFORNIA

OFFICE OF THE SECRETARY,  
Washington, March 12, 1936.

#### The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: On December 14, 1935, the Department approved instructions submitted by the Commissioner of Reclamation



that a sale of certain lots situated in Tulelake, California, be held. It is, therefore, directed that in accordance with said instructions and pursuant to the acts of April 16, 1906, and June 27, 1906 (34 Stat. 116, 519), and the general regulations issued under section 2381, Revised Statutes, Circular No. 1122, the unreserved lots in the townsite of Tulelake, California, within the Klamath Irrigation Project, included in the attached list, shall be offered for sale at public auction at not less than their appraised value at 10:00 a. m., April 10, 1936, at Tulelake, California.

B. E. Hayden has been designated as superintendent of the sale and Fred W. Gilbert as auctioneer.

Full payment for the lots may be made in cash on the date of the sale or one-fourth in cash and the balance in three equal annual installments with interest on the deferred payments at 6 per cent per annum.

The Superintendent conducting the sale is authorized to reject any and all bids for any lot and to suspend, adjourn, or postpone the sale of any lot or lots to such time and place as he may deem proper. After all the lots have been offered, the Superintendent will adjourn the sale indefinitely and will make report to the Commissioner of the General Land Office showing the sale price of each lot sold. In addition he will make recommendation as to whether the unsold lots should be reappraised, and such lots reoffered at public sale at a future date, or whether the sale should be closed and the lots made subject to private sale at the appraised prices.

If any person who has made partial payment on the lot purchased by him fails to make any succeeding payment required under these regulations at the date such payment becomes due, the money deposited by such person for such lot will be forfeited. In case any of the sold lots should be forfeited, the sale price will thereafter be considered the appraised price of such lot.

All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale, and all persons so offending will be prosecuted under section 59 of the criminal code of the United States.

Mimeograph copies hereof will be furnished to the Superintendent of sale and to the register of the land office.

Sincerely yours,

T. A. WALTERS,  
First Assistant Secretary.

[Filed, March 16, 1936; 4:38 p. m.]

#### FARM CREDIT ADMINISTRATION.

REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE CONTINENTAL UNITED STATES MADE PURSUANT TO THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935, APPROVED APRIL 8, 1935, AND EXECUTIVE ORDER NO. 7305, DATED FEBRUARY 28, 1936

MARCH 7, 1936.

1. Loans for fallowing, for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to and necessary for such production, planting, cultivating, and harvesting, and for growing feed for livestock, or for any of such purposes, will be made during the year 1936 by the Governor of the Farm Credit Administration to farmers in the continental United States.

2. Such loans may be made to farmers who have acreage fit for cultivation, the necessary equipment for farming operations, and livestock for which feed is required, and who are unable to obtain credit or supplies from other sources, and, further, such loans will be limited to the amount necessary to meet the immediate and actual cash needs.

3. Such loans shall be secured by a first lien, or by an agreement to give a first lien, upon all crops of which the production, planting, cultivating, or harvesting is to be financed, in whole or in part, with the proceeds of such loan, or in case of any loan for the production of feed for livestock, a first lien upon the livestock to be fed.

4. Applicants must agree (1) to use seed and methods approved by the Department of Agriculture; (2) to plant a garden for home use; and (3) to plant a sufficient acreage of feed crops to supply feed for their workstock and subsistence cattle.

5. No such loan will be made—

(a) To any applicant who has an application for a loan pending with Resettlement Administration; who is now receiving a grant; who has received a grant since December 31, 1935, or who has a loan outstanding with Resettlement Administration.

(b) To any applicant who can obtain credit from other sources, including production credit associations, in an amount reasonably adequate to meet his needs for the purposes for which such loans may be made. An applicant for a loan of \$100 or more must first submit written evidence from a production credit association that his application for a loan of the same or less amount has been rejected.

(c) To any applicant who has an application for a 1936 crop or feed loan pending with a production credit association.

(d) To any applicant who has not observed good faith in making repayment on any previous emergency loan or loans, as indicated by the wilful disposal of crops mortgaged to the Governor, the wilful diversion of funds resulting from the sale of crops mortgaged to the Governor, or failure to pay all or a part of such loan or loans when able to do so.

(e) To any applicant in an amount greater than his immediate cash needs for seed, fertilizer, or minor repairs on equipment, or in an amount in excess of \$200. No loan will be made for an amount less than the sum of \$10.00. All loans will be made in multiples of \$5.00. Notes will bear interest, from maturity until paid, at the rate of 5½ per cent per annum; and interest to the maturity date at the same rate will be deducted at the time the loan is made.

(f) To applicants (other than members of the same family unit) who are occupants of the same farm or plantation, or are tenants of the same landlord in any one county (with the exception of tenants of the United States, or of any state or municipal government, or of any drainage district), in an aggregate amount which (inclusive of all emergency loans theretofore made to them, or any of them, pursuant to the Executive Order of the President dated February 28, 1936), exceeds the sum of \$500.

(g) To any applicant who has a means of livelihood other than farming.

(h) To partnerships, corporations, minors, agents, executors, or administrators; or, to receivers or trustees.

(i) To a wife living with her husband unless the husband joins in the application, note and mortgage or lien.

(j) To more than one member of a family unit nor to any person living and/or farming with an applicant whose application for a loan hereunder has been disapproved.

(k) For the purchase of machinery or livestock, or for the payment of taxes, rent, debts, or interest, or for any purpose other than as specified herein.

6. Loans may be disbursed in one payment or in installments at the discretion of the Regional Manager.

7. No loan for the production of crops will be made in an amount greater than the immediate and actual cash needs in the particular case to plant the crop in a manner approved by the Extension Service of the Department of Agriculture.

The immediate and actual cash needs in a particular case must not exceed the actual costs per acre in such case as determined by individual consideration of the various factors involved, e. g., whether it is necessary to purchase seed, fertilizer, spraying material and/or fuel for tractors; the cost thereof; and any other incidental expenses currently incurred in that community in connection with the particular crop to be produced. In no event may loans for crop production purposes exceed the following maximum allowances per acre.



## Maximum allowances per acre

|   | (1)<br>Without<br>commercial<br>fertilizer | (2)<br>Where com-<br>mercial<br>fertilizer<br>is used | (3)<br>Where com-<br>mercial<br>fertilizer<br>and spray<br>material,<br>including<br>dust are<br>used <sup>1</sup> |
|---|--|---|--|
| Grain crops.....                        | \$2.50                                     | \$4.00  |  |
| Cotton.....                             | 4.00                                       | 6.00  |  |
| Tobacco.....                            | 4.00                                       | 12.00   | \$12.00  |
| Peanuts.....                            | 3.00                                       | 4.50  |  |
| Irish potatoes (commercial).....        | 10.00                                      | 25.00   | 27.00  |
| Truck (commercial).....                 | 10.00                                      | 22.00   | 25.00  |
| Miscellaneous crops.....                | 2.50                                       | 4.00  |  |
| Sugar Cane.....                         | 12.00                                      | 12.00   |  |
| Sugar Beets.....                        | 8.00                                       | 12.00   |  |
| Rice.....                               |  |   |  |
| When landlord furnishes water.....      | 8.00                                       | 8.00  |  |
| If landlord does not furnish water..... | 13.00                                      | 13.00   |  |
| Citrus fruit trees (bearing).....       | 20.00                                      | 20.00   | 20.00  |
| Other fruit trees (bearing).....        | 10.00                                      | 14.00   | 20.00  |

<sup>1</sup> Where spray material, including dust, is used without commercial fertilizer, the allowance for such spray material and dust will be the difference, if any, between the allowances in column (2) and column (3).

<sup>2</sup> Of the grain allowances shown in the table not more than \$1.00 shall be used for summer fallowing.

These figures include allowances for fuel, oil, and feed for work stock for crop production purposes and incidental expenses, for which no additional allowances will be made.

Allowances for water charges (including maintenance, electric power and fuel) for crops other than rice grown on irrigated land shall not exceed \$3.00 per acre.

Allowances for commercial fertilizer will be allowed only in areas where commercial fertilizer is customarily used.

8. An amount not greater than the actual harvesting and threshing expenses may, in the discretion of the regional manager, be released from the proceeds of the sale of any of the crops covered by a lien given to the Governor, in any case where a borrower does not have the necessary funds or credit to pay for the harvesting and threshing of such crops.

9. The amount approved for a loan by the Governor or his representative under these regulations will be paid to the applicant by a disbursing officer upon receipt and approval by the Governor or his representative of the following documents:

(a) Application in the form prescribed, signed by the applicant.

(b) Promissory note (or bond in Pennsylvania) in the form prescribed, executed by the applicant for the amount approved by the Governor or his representative, payable to the Governor, bearing interest at the rate of 5½ per cent per annum from maturity until paid.

(NOTE.—In order to preserve the statutory priority of liens for seed loans made in South Dakota, Minnesota, and Montana, each applicant in those states who applies for a loan for the purchase of seed only, shall execute a note for the amount of such loan and secure the repayment of such loan by a seed lien; each applicant in the above states who applies for a loan to be used in part for seed and in part for other purposes shall execute a note for the total amount of such loan and secure the repayment of such loan by a crop mortgage and in addition thereto shall execute a seed lien to secure the repayment of that part of such loan which is proposed to be used for the purchase of seed.)

(c) Lien instruments (including waivers) in the form prescribed, conveying a first lien or a promise and authority, properly executed and filed, registered or recorded in the proper office as required by local state law.

(d) A voucher for the amount of the loan in the form prescribed signed by the applicant.

10. Fees for recording, filing, registration, and examination of records (including certificates) shall be paid by the borrower; provided, however, that such fees aggregating not to exceed 75 cents per loan may be paid by him from the proceeds of the loan. No fees for releasing liens given to secure loans shall be paid from the proceeds of a loan.

11. The right is reserved to revoke, alter, or amend these regulations at any time and without notice.

[SEAL]

W. I. MYERS,  
Governor, Farm Credit Administration.

[Filed, March 17, 1936; 12:51 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

## UNITED STATES OF AMERICA—BEFORE THE SECURITIES AND EXCHANGE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of March, A. D., 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 32-7

In the Matter of The Declaration of New England Power Association.

## ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS.

A declaration having been duly filed with this Commission by New England Power Association pursuant to Section 7 of the Public Utility Holding Company Act of 1935 relating to the issue and sale of Notes payable in three years (or earlier at the declarant's option) evidencing bank loans aggregating \$28,000,000:

It is ordered, that the matter be set down for hearing on the 28th day of March 1936 at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than March 23, 1936.

Upon the completion of the taking of testimony in this matter the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[Filed, March 17, 1936; 12:44 p. m.]

## WORKS PROGRESS ADMINISTRATION.

GENERAL LETTER NO. 8

MARCH 13, 1936.

To: All State Works Progress Administrators.

Subject: Notice to All W. P. A. Workers.

All State Works Progress Administrators are hereby instructed to post in every district office and to deliver to every project foreman an exact copy of the following regulation:

No employee of the Works Progress Administration, either administrative or engaged on a project, is required to make any contribution to any political party.

No Works Progress Administration employee's job will be in jeopardy because of the failure of said employee to make such contribution.

No employee of the Works Progress Administration shall at any time solicit contributions for any political party and evidence of such solicitation will be cause for immediate discharge. The question of whether or not to contribute to any political party is a matter entirely for the voluntary decision of said employee.

No person shall be employed or discharged by the Works Progress Administration on the ground of his support or non-support of any candidate of any political organization.

HARRY L. HOPKINS, Administrator.

[Filed, March 17, 1936; 2:35 p. m.]